

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID L. JOHNSON, JR.,

Defendant.

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CASE NO. 8:09CR28

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Defendant's pro se motion to reduce his sentence as a result of the Fair Sentencing Act of 2010 (Filing No. 86). Counsel has been appointed but has not entered an appearance (Filing No. 88). The Probation Office has prepared a worksheet recommending no reduction.

The Defendant pleaded guilty to Count I of the Indictment, which charged him with conspiring to distribute or possess with intent to distribute 5 grams or more of a mixture or substance containing crack cocaine (Count I). The Defendant was held responsible for 30.7 grams of cocaine base, resulting in the application of base offense level 26. He was sentenced at the low end of his sentencing guideline range to 84 months imprisonment. Under the amendments to the crack cocaine guidelines, the Defendant's sentencing guideline remains unchanged at 84-105 months.

Accordingly,

IT IS ORDERED:

1. The Defendant's motion to reduce his sentence (Filing No. 86) is denied; and
2. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 26th day of March, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge